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July 3, 2024

**VIA ECF**

The Honorable Leda D. Wettre, U.S.M.J.  
 United States District Court  
 Martin Luther King, Jr. Federal Building  
 50 Walnut Street, Room 2060  
 Newark, New Jersey 07102

Re: *Axsome Therapeutics, Inc., et al. v. Teva Pharmaceuticals, Inc.*  
Civil Action Nos. 23-1695 (MEF)(LDW) (consolidated)

Dear Judge Wettre:

This firm, together with Quinn Emanuel Urquhart & Sullivan LLP, represents Plaintiffs Axsome Therapeutics, Inc. and Antecip Bioventures II LLC (together, “Plaintiffs”) in the above-captioned matter. We write on behalf of Plaintiffs and Defendant Teva Pharmaceuticals, Inc. (“Teva” and, together with Plaintiffs, “the parties”) to jointly request a brief, one-week extension of the claim construction deadlines in the Court’s Order Consolidating Cases (ECF No. 52). The parties’ proposed extension is as follows:

| Event   | Original Deadline  | Revised Deadline                                       |
|---|--------------------|--|
| Meet-and-Confer under L. Pat R. 4.1(b)  | n/a                | July 10, 2024 (or an agreed-upon date by the parties)  |
| Preliminary proposed constructions and identification of intrinsic evidence under L. Pat. R. 4.2(a)-(b) | July 11, 2024      | July 18, 2024  |
| Joint exchange of all intrinsic and extrinsic evidence under L. Pat. R. 4.2(c)                          | July 26, 2024      | August 2, 2024   |
| Meet-and-Confer under L. Pat. R. 4.2(d)   | n/a                | August 8, 2024 (or an agreed-upon date by the parties) |
| Joint Claim Construction and Prehearing Statement under L. Pat. R. 4.3(a)-(e)                           | August 14, 2024    | August 21, 2024  |
| Close of Fact Discovery for Claim Construction  | August 29, 2024    | September 5, 2024                                      |
| Opening Claim Construction Briefs   | September 20, 2024 | September 27, 2024                                     |
| Close of Expert Discovery for Claim Construction  | October 18, 2024   | October 25, 2024                                       |

Hon. Leda D. Wettre, U.S.M.J.

July 3, 2024

Page 2

| Event   | Original Deadline             | Revised Deadline                |
|---|-------------------------------|---------------------------------|
| Responsive Claim Construction Briefs                      | November 15, 2024             | November 22, 2024               |
| Proposed schedule for <i>Markman</i> hearing due to Court | December 6, 2024 <sup>1</sup> | December 6, 2024<br>(unchanged) |
| Close of Fact Discovery                                   | February 7, 2025              | February 7, 2025<br>(unchanged) |

As indicated in the above table, the parties' proposed extension would not affect the remaining case deadlines—namely, the proposed *Markman* hearing schedule on December 6, 2024 and the close of fact discovery on February 7, 2025. The brief, one-week extension will allow the parties to complete the claim construction exchanges in an orderly fashion.

Should the proposed extension meet with the Court's approval, the parties respectfully request that Your Honor "So-Order" this letter and direct its entry on the docket.

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

Charles M. Lizza

cc: All counsel of record (via email)

**SO ORDERED:**

This 8th day of July, 2024

**HON. LEDA D. WETTRE**

**UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup> In the Court's Order Consolidating Cases (ECF No. 52), the date for the parties to propose a schedule for *Markman* hearing to the Court contained a typographical error, which has been corrected in the table above. It has been corrected from December 6, 202~~5~~ to December 6, 202~~4~~.